Texas agrees to modify voter-ID law for November election

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Texas struck a deal Wednesday that will modify its voter-ID law for the November general election — a development that lawyers suing the state say will make it easier for minorities to cast their ballots.

The state reached the agreement with the Justice Department and minority rights groups just a few weeks after a federal appeals court ruled that Texas’s 2011 voter-identification law was discriminatory.

Under the new terms, registered voters will be able to vote without a photo ID, according to a copy of the rules provided by the state attorney general’s office. Those without an ID can sign an affidavit that certifies they are a U.S. citizen and present proof of residence, such as a utility bill, bank statement or paycheck. Texas must provide such affidavits in English, Spanish, Chinese and Vietnamese.

The terms also say election officials cannot question Texans who lack identification.

“This is a huge improvement from what the law was before,” said Luis Vera, one of the attorneys in the lawsuit against Texas.

The state has said it will continue to fight for the 2011 law, possibly appealing the decision to the U.S. Supreme Court.

That law had a strict list of acceptable photo IDs that opponents argued disenfranchised poor and minority voters. Proponents of the law argued that it was needed to bolster security at the ballot box by preventing voter fraud, even though in-person voter fraud is incredibly rare. There have been only two convictions for fraud out of 20 million votes cast in the decades before state lawmakers crafted the law.
The new agreement is only a temporary remedy, the Texas attorney general’s office said in a statement.

“The U.S. Supreme Court said that Voter ID is a legitimate means of preventing voter fraud, and Texans widely support it to defend the integrity of our elections,” the statement said. “This case is not over. In light of the Fifth Circuit’s recent decision, we are working hard on saving all the important aspects of our voter ID.”

Chad Dunn, a Houston-based attorney who represented groups suing the state, said the new rules will allow more African American, Latino, poor and elderly Texans to cast a ballot. These were the groups most affected by the 2011 voter ID law, Dunn said. Now their votes will be counted immediately.

“I'm confident this law opens the voting booth to everyone,” Dunn said.

Under the old law, voters without a photo ID could cast provisional ballots that would be counted only if the voter presented a valid ID within six days. The burden has now shifted to the state, Dunn said. Election officials can only challenge a vote if they have conclusive evidence that the person is not who they say they are.

Texas will also be required to spend $2.5 million on voter outreach before November. The terms specify that the state “shall continue to educate voters in subsequent elections concerning both voter identification requirements and the opportunity for voters who do not possess SB 14 ID and cannot reasonably obtain it to cast a regular ballot.”

The new rules must be approved by U.S. District Judge Nelva Gonzales Ramos before they are finalized.

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